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JAN 18 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Frederic M. Newman )  
Serial No. 10/720,594 )  
Filed: November 24, 2003 )  
For: CROWN OUT-FLOOR OUT DEVICE FOR A )  
WELL SERVICE RIG )  
Examiner: Thu V. Nguyen  
Art Unit: 3661  
Confirmation No. 5037  
Attorney Docket No.  
08876.105034

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

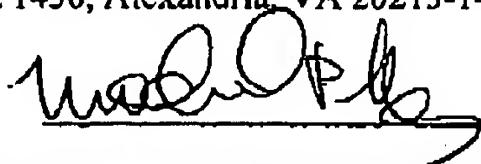
Mail Stop AF  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests that a panel of Examiners review the rejections issued in the Final Office Action mailed on July 18, 2006 and maintained in the Advisory Action mailed November 7, 2006. Applicant is not submitting any amendments with this Pre-Appeal Brief Request for Review. Applicant has filed a Notice of Appeal with this Request for Review.

Applicant submits that the obviousness rejections advanced by the Examiner in the Final Office Action are without basis and therefore not proper. Review of the rejections is requested for the reasons stated on the attached pages.

I hereby certify that this correspondence is being facsimile transmitted to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 20213-1450, Facsimile No. 571-273-8300, on January 18, 2007.



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**REMARKS**

**Rejections Under 35 U.S.C. §103**

The Examiner has rejected claims 4-6, 8 and 10-16 as obvious in view of the teachings of Richardson (U.S. Pat. No. 4,545,017) and Ruddy (U.S. Pat. No. 6,527,130). Applicant respectfully traverses the underlying basis for failing to disclose all of the features of the claimed invention and for lack of motivation to combine.

**Richardson and Ruddy Fail to Teach an Upper Slow Down Zone Proportional to the Momentum of the Traveling Block**

The invention, as presently claimed, provides a system that determines the traveling block position, speed, weight and momentum, and compares the speed to a predetermined maximum value, wherein the maximum value is determined as a function of the measured weight on the traveling block, before applying the braking system to slow down and eventually stop the traveling block when it approaches a crown-out or floor-out position.

As described in detail on pages 6-7 of Applicant's Response and Amendment dated April 13, 2006, the prior art of record does not teach or suggest the length of an upper slow down zone, for the traveling block being proportional to the momentum of the block, as presently required by claim 4. On pages 5-6 of the Final Office Action dated July 18, 2006, the Examiner alleges that Richardson teaches that the upper slow down zone is proportional to the momentum of the traveling block. This assertion is without merit.

The Examiner's lengthy discussion regarding the teachings of Richardson merely recites examples of various preset parameters for the operation of a rig which are disclosed in Richardson. The parameters recited by the Examiner merely provide a maximum allowed velocity of the traveling block at different specified distances from the crown or floor for

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different programs. Put differently, the values recited in columns 7-8 of Richardson, Table 1, Example 1, merely demonstrate the reduction in the velocity of the traveling block as it nears a stopping point. The Examples do not in any way, as suggested by the Examiner, teach or suggest that the length of the upper slow down zone is proportional to the momentum of the traveling block.

Furthermore, all of the parameters in Richardson are preset, and cannot be changed. (See Richardson, col. 7, lines 51-57, stating "...the preselected limits of speed and acceleration... are unalterably set for a particular size and type of oil well drilling apparatus at the owner's discretion.") Thus, the program is selected by the rig owner prior to the actual operation of the rig and is based upon assumed variables, rather than being based upon the actual, calculated momentum of the traveling block. Any assertion by the Examiner (see Advisory Action dated November 7, 2006) that the parameters can be automatically changed as a function of the weight of the block is contrary and detrimental to the Richardson invention, as the specification clearly states that the preselected parameters are "unalterably set." Richardson, col. 7, lines 51-57.

#### No Motivation to Combine Richardson and Ruddy

In addition to failing to teach or suggest all of the elements of the claims, there is no motivation to combine the cited references. As stated previously, Richardson teaches a system, wherein the "preselected limits of speed and acceleration... are unalterably set for a particular size and type of oil well drilling apparatus at the owner's discretion." Richardson, col. 7, lines 51-57. The Examiner relies upon Ruddy for the teaching of determining a maximum velocity value as a function of measured weight of the traveling block. However, combining the elements

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of Ruddy is clearly contrary and detrimental to the Richardson invention, which employs unalterable preset parameters, as described in the specification.

Furthermore, while the Examiner's asserts that Richardson "clearly shows that the values can be automatically changed as a function of the weight of the block," this allegation is inaccurate. There is no teaching in Richardson that the maximum values may be automatically changed. The passage cited by the Examiner (Col. 9, lines 35-40) merely teaches that the exact weight on the line may be used to more accurately determine the velocity of the traveling block. However, as noted in the very next sentence, this value is still compared against the preselected maximum velocity value, and this maximum velocity value does not vary based upon the measured weight of the traveling block. At most, knowing the weight of the traveling block on the line allows the owner to make a more informed selection of the preselected parameters. It does not however, as suggested by the Examiner, provide the operator, or any other person, the ability to change the maximum values, nor does it change the maximum values automatically.

#### **No Authority that Limitations are Well-Known in the Art**

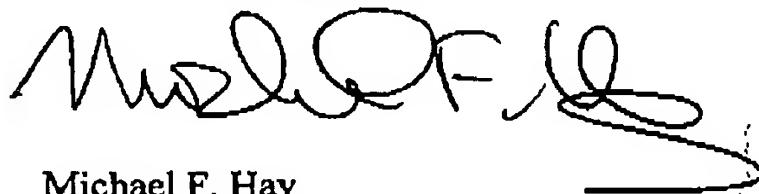
Finally, the Examiner ignored repeated requests to produce documentary authority for the assertion that the limitations of original claims 9 (now incorporated into independent claim 4) and 12 are well-known in the art. See Amendment and Response dated April, 13, 2006, page 6, paragraph 4 and page 7, paragraph 4. Specifically, the Examiner has not provided documentary authority to support the assertion that the length of the upper and lower slow down zones are proportional to the momentum of the traveling block are well known in the art. MPEP 2144.03(c) requires that the Examiner provide adequate evidence of officially noticed facts, when challenged by the Applicant. The Examiner has failed to provide the requisite authority.

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**CONCLUSION**

Applicant submits the foregoing to a panel of Examiners to review the rejections issued in the Final Office Action dated July 18, 2006. Applicant submits that the rejections set forth in the Final Office Action are without basis and not proper. Reconsideration and withdrawal of the rejections is respectfully requested.

Respectfully submitted



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